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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218442
Party	Defendant Veam Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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VEEAM SOFTWARE AG, Opposer, v. VEAM INC., Applicant.	Opposition No. 91218442 Applications S.N. 85/795280
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CONSENTED MOTION TO AMEND APPLICATION AND FURTHER SUSPENSION

Pursuant to 37 C.F.R. § 2.133 and § 514 of the Trademark Board Manual of Procedures, Veam Inc., through its attorneys, hereby respectfully moves the Board to amend the opposed application at issue in the instant case, specifically the identification of goods and services contained therein, with the consent of the Opposer Veeam Software AG. The Opposer and the Applicant have come to a settlement in which the Opposition shall be dismissed on the condition that the instant amendment to the description of goods and services to the application be entered.

Applicant previously filed the Consented Motion To Amend Application on February 7, 2016, which proposed amendment to the description of goods and services. The Board issued an order on March 21, 2016 (the “Order”) denying the proposed amendment filed on February 7, 2016 on the basis that the proposed amendment expanded upon the scope of the description of goods and services of the application as filed. The Order further suspended the proceedings and allowed the Applicant thirty days to submit an acceptable amendment with Opposer’s consent.

Additional time was needed to reach a mutually agreeable description of goods and services between the Applicant and the Opposer. Consequently, the Opposer filed the Consent

Motion To Suspend Opposition, Including Deadline For Responding To Order Mailed March 21, 2016 on April 20, 2016. The Board was requested to suspend the deadline for responding to the Order by 60 days to June 19, 2016. The deadline to respond was extended to Monday, June 20, 2016 since June 19, 2016 fell on a Sunday. The Consent Motion To Suspend Opposition was granted by the Board on May 13, 2016.

The instant Consented Motion to Amend Application and Further Suspension is responsive to the Order dated March 21, 2016. In particular, Applicant requests the following changes to the Application No. 85/795280 in trademark class 009 to reflect the following amendments (proposed new language is underlined and proposed language for deletion is stricken though):

International Class 009: ~~Computer application~~ Mobile software applications for mobile phones, portable media players, handheld computers, laptops, and desktops, namely, software for others for publishing multimedia content; Computer software for processing multimedia content, namely, digital music, images, and video files, excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services; and computer software for computer system and application development, deployment and management for distributing and others for publishing multimedia content, namely, digital music, images, and video files, excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.

Such that the identification of goods be amended to state as follows:

International Class 009: Mobile software applications for others for publishing multimedia content, namely, digital music, images, and video files, excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services; and computer software for application development, deployment and management for others for publishing multimedia content namely, digital music, images, and video files, excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.

Applicant also requests the following changes to Application No. 85/795280 in trademark class 42 to reflect the following amendments (proposed new language is underlined and proposed language for deletion is stricken though):

International Class 042: Application service provider (ASP) featuring mobile application software managed and developed for others for use in publishing ~~multimedia content~~ music, images, video content, fitness-related content, all of the above excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.

Such that the identification of goods be amended to state:

International Class 042: Application service provider (ASP) featuring mobile application software managed and developed for others for use in publishing music, images, video content, fitness-related content, all of the above excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.

As grounds for this consented motion, Applicant states that the above proposed amendments accurately convey the goods and services that Applicant offers in conjunction with the mark VEAM, which is the subject of the application at issue in this matter. Moreover, and in compliance with to 37 C.F.R. § 2.71(a), the proposed amendments serve to clarify and limit but in no way broaden the identification of goods and services.

Applicant also requests the Board to further suspend the Opposition proceedings pending the outcome of the instant Consented Motion To Amend Application And Further Suspension.

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WHEREFORE, Applicant requests the Board to amend the opposed application in the manner described above.

Respectfully submitted,

Dated: June 20, 2016

By: /Quon Hom/

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Attorneys for Applicant Veam Inc.

CERTIFICATE OF SERVICE

I declare that:

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is 5201 Great America Parkway, Suite 270, Santa Clara, CA 95054. On the date indicated below, I served a true and complete copy of the above-identified CONSENTED MOTION TO AMEND APPLICATION AND FURTHER SUSPENSION upon Opposer's attorneys of record:

Julie D. Shirk
Monica Riva Talley
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via First-Class Mail and e-mail to JSHIRK@skgf.com and MTALLEY@skgf.com.

/Alice Lin/

Alice Lin

Dated: June 20, 2016